

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

James Norman,)	
)	
Plaintiff,)	ORDER ADOPTING
)	REPORT AND RECOMMENDATION
vs.)	
)	
Dan Wrolstad, et al.,)	Case No. 1:06-cv-010
)	
)	
Defendants.)	

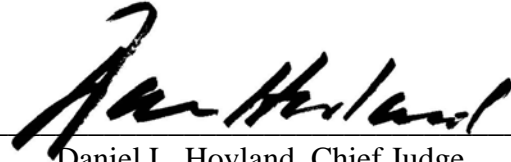
The plaintiff, James Norman, filed this pro se civil rights action under 42 U.S.C. § 1983 on February 22, 2006. Magistrate Judge Charles S. Miller, Jr. conducted an initial review as mandated by 28 U.S.C. § 1915A, and submitted a Report and Recommendation. Judge Miller recommended that Norman be permitted to proceed with the complaint as filed alleging claims of violations of the Eighth and Fourteenth Amendments against the named defendants, but that such claims not be permitted to proceed against the named defendants in their official capacities. As a result, Judge Miller recommended that the official capacity claims be dismissed. Norman was then given ten (10) days to file an objection to the Report and Recommendation. On March 23, 2006, Norman waived his right to object to the Report and Recommendation. (Docket No. 4).

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the record as a whole and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 3) in its entirety. As a result, Norman is permitted to proceed with his alleged claims, but only as to the named defendants in their individual

capacity. The Court **DISMISSES** the official capacity claims. Pursuant to 28 U.S.C. § 1915(d), the Clerk of Court is directed to serve a copy of the complaint and this order on the Defendants.

IT IS SO ORDERED.

Dated this 24th day of March, 2006.

A handwritten signature in black ink, appearing to read "Dan Hovland", is written over a horizontal line.

Daniel L. Hovland, Chief Judge
United States District Court